



Docket No.: 1293.1131

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MDJ
3-5-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

In-Sik PARK, et al.

Serial No. 09/656,709

Confirmation No. 2122

Filed: September 7, 2000

Group Art Unit: 2653

Examiner: Kim Kwok Chu

For: OPTICAL RECORDING MEDIUM HAVING READ-ONLY STORAGE AREA AND
WRITEABLE STORAGE AREA AND RECORDING/REPRODUCING APPARATUS AND
METHOD THEREFOR

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir: This is responsive to the Office Action mailed February 5, 2003, having a shortened period for response set to expire on March 5, 2003, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I, claims 1-24, 35-37, and 41-94** in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 25-34 and 38-40 are so closely related to elected claims 1-24, 35-37, and 41-94 that they should remain in the same application to preserve unity of the invention and to avoid any possibility of a double patenting issue arising at some later date. The elected claims 1-24, 35-37, and 41-94 are directed to a recording medium with various data recording regions and claims 25-34 and 38-40 are drawn to a hybrid type recording medium having two recording layers. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and